

AUG 15 2005

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August 15, 2005

TO: Examiner Scott David Priebe  
Group 1633  
(571) 272-0733

FROM Justin D. Karjala  
Celera Genomics Corp.  
(240) 453-3812

FAX NO: (571) 273-8300

# OF PAGES (incl. cover): 7

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Re: U.S. Serial No. 10/760,470, filed January 21, 2004  
Entitled "ISOLATED HUMAN KINASE PROTEINS, NUCLEIC ACID  
MOLECULES ENCODING HUMAN KINASE PROTEINS, AND USES  
THEREOF"  
Attorney Docket No.: CL001204-DIV

A Preliminary Amendment (Restriction Election) in the above-identified application follows. No fee is due for this submission.

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AUG 15 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wei SHAO et al.

Art Unit: 1633

Serial No.: 10/760,470

Examiner: S. Priebe

Filed: January 21, 2004

Atty. Docket: CL001204-DIV

For: ISOLATED HUMAN KINASE PROTEINS,  
NUCLEIC ACID MOLECULES ENCODING  
HUMAN KINASE PROTEINS, AND USES  
THEREOF

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PRELIMINARY AMENDMENT

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

*By Facsimile*

Sir:

This is in response to an Office Action mailed on July 15, 2005 from Examiner Priebe in which a restriction requirement was issued for the above-referenced application.

In response to the restriction requirement, Applicants hereby elect, with traverse, claim group II (claim 3, drawn to antibodies) for examination and have canceled claims corresponding to the non-elected groups III-IX.

However, applicants respectfully request that the Examiner reconsider the claim division of the restriction requirement and combine group II (drawn to antibodies) with group I (drawn to polypeptides).

In particular, examination of the polypeptide claims of group I and examination of the antibody claims of group II, in which the antibodies claimed in the group II claims selectively bind the polypeptides that are claimed in the group I claims (as in the instant situation), are both based on search and examination of the amino acid sequence of the polypeptides claimed in the group I claims. Therefore, because the search and examination necessary to examine the claims of both groups I and II together is substantially similar to the search and examination necessary to examine either of group I

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or group II alone, it is believed that search and examination of the claims of groups I and II combined would not unduly burden the Examiner with additional review issues.

Accordingly, Applicants are hereby amending claim 3 and presenting new claims 24-36 drawn to antibodies and respectfully request entry, search, and examination of these antibody claims. Additionally, should the Examiner reconsider the restriction requirement based on the above remarks and combine group I (polypeptides) with group II (antibodies), Applicants are also hereby amending claims 1-2 and presenting new claims 37-38 drawn to polypeptides and respectfully request entry, search, and examination of these polypeptide claims together with the antibody claims.

Please amend the application as follows:

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